

**UNITED STATES DISTRICT COURT**

For the  
EASTERN DISTRICT OF MISSOURI

**Jeffrey Weinhaus**

Petitioner

vs.

**Troy Steele** in his representative capacity as  
Warden, of the Eastern Reception Diagnostic and  
Correctional Center;

Respondent

Case No.: 4:17-CV-1941-DDN

**EX PARTE MOTION FOR HEARING  
ON PENDING HABEAS PETITION.**

This Ex Parte Motion for Hearing is brought by Counsel on behalf of Jeffery Weinhaus,  
in accordance with Federal Rule 78, and Local Rule 4.02(B).

**HISTORY OF ACTION**

On November 3<sup>rd</sup> 2017, Counsel for Weinhaus filed an amended petition, Docket # 25, in  
accordance with direction from this court. The Petition for Habeas Corpus was brought in  
accordance with the dictates of 28 USC 2254, complied with the orders of the court, addressed  
the dismissal of unnecessary parties, and conformed to the structure and detail of the Court's  
Habeas Petition Form document.

On November 7<sup>th</sup>, 2017 under a case management order, Docket #26, this Court accepted the amended filing and dismissed the Defendants Motion to Dismiss as moot. Allowing the petition to proceed.

On December 22<sup>nd</sup> 2017, the Respondent filed its response, Docket # 27, to the Amended Petition.

Counsel for Petitioner on February 21<sup>st</sup> 2018, filed its reply, Docket # 28.

The matter is fully briefed and currently remains pending before this court.

### **CAUSE FOR REQUEST**

Petitioner, Weinhaus, remains in the custody of the State of Missouri. Weinhaus' current conditions of confinement have been amended, and include his removal from the honor ward, near elimination of his formerly regular communication with the outside, facility imposed limitations on the content and ability of him to discuss his case, near full restriction on his ability to discuss his positions relating to his case, and restrictions as to communication with his chosen/preferred religious leaders and intermediaries. These restrictions were imposed upon Petitioner at or about, and during, the time of the submission of the pending petition before this court.

Petitioner is suffering retaliation for exercising his rights to review by this court.

As such these actions have forced the Petitioner to request that this court grant a hearing on the pending matter, and that is do so within a reasonable period of time.

**THEREFORE, based on the foregoing,** petitioner asks that this Court grant the requested relief and schedule a hearing on the pending petition.

Respectfully Submitted this Day, on behalf of Petitioner Jeffrey Weinhaus by his Attorney.

Dated this 19<sup>th</sup> day of June 2018

s/ Warren R. Markowitz, Esq.  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was electronically filed by using the ECM/CF e-filing system and thereby served to counsel for all interested parties.

Dated, this 19<sup>th</sup> day of June 2018,

s/ Warren R. Markowitz, Esq.  
Warren R. Markowitz  
Attorney for Petitioner.